

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT HUNTINGTON**

DAKOTA NELSON; BELINDA BIAFORE, individually and as Chairperson of the West Virginia Democratic Party; ELAINE A. HARRIS, Individually and as Chairperson of the Kanawha County Democratic Executive Committee; WEST VIRGINIA DEMOCRATIC PARTY; and WEST VIRGINIA HOUSE LEGISLATIVE COMMITTEE,

Plaintiffs,

v.

Civil Action No. 3:19-cv-0898
Honorable Robert C. Chambers

MAC WARNER in his official capacity as West Virginia Secretary of State; and VERA McCORMICK, in her official Capacity as Clerk of Kanawha County West Virginia,

Defendants.

PLAINTIFFS' RESPONSE TO SECRETARY OF STATE MAC WARNER'S EMERGENCY MOTION TO STAY PENDING APPEAL

Plaintiffs respond to Secretary of State Mac Warner's Emergency Motion to Stay Pending Appeal (Dkt. 132); Secretary of State Mac Warner's Memorandum of Law in Support of Emergency Motion to Stay (Dkt. 134); and Motion by Vera McCormick for Joinder in the Motion by Mac Warner to Stay Pending Appeal (Dkt. 133) as follows:

The Plaintiffs object to the Emergency Motion to Stay for the same reasons set forth by the Court in entering an unstayed judgment in its Memorandum and Order

(Dkt. 125). For the reasons stated therein, and for the reasons stated in Plaintiffs' Motion for the Court to Enter an Unstayed Final Judgement (Dkt. 108); Memorandum in Support of Motion for the Court to Enter and Unstayed Final Judgment (Dkt. 109) and Plaintiffs' Reply Memorandum in Support of Motion for the Court to Enter an Unstayed Final Judgment (Dkt. 117), the Court should enter an order denying Defendants' requests for a stay. Plaintiffs incorporate by reference the Court's prior ruling (Doc. 125) and the aforesaid briefing (Docs. 108, 109, and 117) into this response as if fully set forth herein.

Wherefore, Plaintiffs request this Court deny Secretary Mac Warner's Emergency Motion to Stay Pending Appeal as Joined by Vera McCormick.

PLAINTIFFS,

By Counsel,

/s/Anthony J. Majestro

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CERTIFICATE OF SERVICE

I, Anthony J. Majestro, certify that on the 11th day of August 2020,

**PLAINTIFFS' RESPONSE TO SECRETARY OF STATE MAC WARNER'S
EMERGENCY MOTION TO STAY PENDING APPEAL** was served upon
counsel of record through the CM/ECF System.

s/ Anthony J. Majestro
Anthony J. Majestro (WVSB No. 5165)